IN THE HIGHT COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.1816 OF 2004
IN
SUIT NO.4913 OF 2000

Majid Ahmedbhai oomerbhoy ..Plff
V/s.
Rashid Sattar Oomerbhoyr & Ors...Deft.
and
Smt. Jasumati Patel ..Applicant.

Mr.Zoriwala & Co. for the plff
Ms.C.Patel i/b M/s.Malvi Ranalbhodas & Co. for the deftno.1
Ms.M.P. Karnik for the applicant.
Mr.S.S. Mallapurkar Senior Officer of Office of Court Receiver present.

CORAM;S.U.KAMDAR, J
DATE : 3RD MAY,2005

P.C.:

. The present Chamber Summons has been taken out by the applicant who is an employee of the firm known as M/s.Ahmed Oomerbhoy.In the present suit, receiver has been appointed of the partnership assets of the said firm M/s Ahmed Oomerbhoy and defendant no.1 to 5 are the partners of the said firm.

. Applicant is seeking payment out of funds lying of the partnership firm with the Court Receiver to satisfy the order dated 13th Sept., 2004 passed by the Labour Court in the application (IDA)No.509 of 2001. Mumbai. It is not in dispute that said order is passed in respect of partnership firm of M/s.Ahmed Oomerbhoy and partnership firm is liable to make the aforesaid payment. However, Learned Counsel appearing for the plaintiff states that Court Receiver did not defend the said proceeding properly and thus, the said order dated 13/9/04 has been passed. He further states that amount should not be

allowed to be paid to the employee applicant herein because

doing so would mean that the Court Receiver will escape liabilities of his negligence. It is not possible to accept the aforesaid arguments of the plaintiff because the plaintiff has taken no steps to challenge the said order even though it is passed as far back as 13/9/04. In my opinion, the order of the Labour Court is required to be complied with. Dues of worker can not be withheld in the aforesaid circumstances. Court Receiver is accordingly directed to pay the amount to the applicant in accordance with the order dated 13/9/04 by the Labour Court , Mumbai in Application (IDA) No.509 of 2001. Court Receiver will make payment of the aforesaid amount after obtaining undertaking in writing that in an event of the said order dated 13/9/04 is challenged either by parties to the suit or by the Court Receiver and if the said order is reverse - or set aside then in that event the applicant will bring back the said amount with the interest @ of 12% p.a. from the date of payment till the date of refund of the said amount. Chamber summons is disposed of accordingly with no order as to costs.